

**United States District Court  
for the  
EASTERN DISTRICT OF TENNESSEE**

U.S.A. vs. Joshua Simmons

Docket No. 4:10-CR-00030-005

TO: <sup>1</sup>Any United States Marshal or any other authorized officer.

WARRANT FOR ARREST OF PROBATIONER/SUPERVISED RELEASEE				
You are hereby commanded to arrest the within-named defendant and bring him or her, forthwith before the United States District Court to answer charges that he or she violated the conditions of his or her supervision imposed by the court.				
NAME OF SUBJECT	SEX	RACE	AGE	Marshal #
Joshua Simmons	Male	White	41	42911-074
ADDRESS (STREET, CITY, STATE)				
143 Vincent Road Spencer, Tennessee 38585				
SENTENCE IMPOSED BY (NAME OF COURT)				
United States District Court Eastern District of Tennessee at Chattanooga				
CLERK LEANNA R. WILSON, CLERK		(BY) <i>[Signature]</i> DEPUTY CLERK		DATE 11/1/2022

RETURN		
Warrant received and executed	DATE RECEIVED 13 JULY 23	DATE EXECUTED 13 JULY 23
EXECUTING AGENCY (NAME AND ADDRESS)		
USMS M/TN NASHVILLE		
NAME <i>[Signature]</i>	(BY) <i>[Signature]</i>	DATE 13 JULY 23

<sup>1</sup>Insert designation of officer to whom the warrant is issued, e.g., "any United States Marshal or any other authorized officer;" or "United States Marshal for the EASTERN DISTRICT OF TENNESSEE;" or "any United States Marshal;" or "Any Special Agent of the Federal Bureau of Investigation;" or "any United States Marshal or any Special Agent of the Federal Bureau of Investigation;" or "any agent of the Alcohol Tax Unit."

**UNITED STATES PROBATION OFFICE**  
**UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF TENNESSEE**

**PETITION FOR WARRANT FOR OFFENDER UNDER SUPERVISION**

**Name of Offender:** Joshua Simmons

**Docket Number:** 4:10-CR-00030-005

**Name of Sentencing Judicial Officer:** The Honorable Harry S. Mattice Jr.  
United States District Judge

**Name of Presiding Judicial Officer:** The Honorable Travis R. McDonough  
Chief United States District Judge

**Date of Original Sentence:** April 4, 2011

**Original Offense:** Conspiracy to Distribute or Manufacture 50 Grams of Methamphetamine (actual) or 500 Grams or More of a Mixture or Substance Containing Methamphetamine

**Class:** A Felony

**Criminal History Category:** III

**Original Sentence:** 120 months imprisonment and five (5) years supervised release

**Modification:** **August 6, 2019:** The conditions of supervised release were modified to include four (4) weekends of intermittent confinement

**Revocation:** **September 20, 2018:** Six (6) months imprisonment, two (2) years supervised release

**Revocation:** **November 29, 2021:** Eight (8) months imprisonment, one (1) year supervised release

**Type of Supervision:** Supervised Release

**Date Supervision Commenced:** June 24, 2022

**Date Supervision Expires:** June 23, 2023

**Assistant U.S. Attorney:** Perry H. Piper

**Defense Attorney:** Federal Defender Services

**Revocation Guideline Range:** 8 - 14 (Grade B Violations)

**Statutory Maximum:** Five (5) Years

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### PETITIONING THE COURT

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<b>Mandatory Condition:</b> You must not commit another federal, state, or local crime.
2	<b>Mandatory Condition:</b> You must not unlawfully possess a controlled substance.
3	<b>Mandatory Condition:</b> You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
4	<b>Standard Condition #8:</b> Mr. Simmons must not communicate or interact with someone the defendant knows is engaged in criminal activity. If he knows someone has been convicted of a felony, he must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
5	<b>Standard Condition #9:</b> If Mr. Simmons is arrested or questioned by a law enforcement officer, he must notify the probation officer within 72 hours.
6	<b>Special Condition:</b> Mr. Simmons shall participate in a program of testing and/or treatment for drug and/or alcohol abuse, as directed by the probation officer, until such time as he is released from the program by the probation officer.

On July 6, 2022, Mr. Simmons reported to the probation officer after his release from custody of the Bureau of Prisons (BOP) and was provided with forms pertaining to firearms and travel, as well as his judgment and commitment order.

On September 1, 2022, Mr. Simmons was enrolled in the Code-A-Phone (CAP) program at Cheer Mental Health in McMinnville, Tennessee.

On July 2, 2022, Mr. Simmons was charged in the General Sessions Court of Van Buren County with Criminal Attempt and Forgery. According to the Affidavit of Complaint, a deputy with the Van Buren County Sheriff's Department was dispatched to the Dollar General in Spencer, Tennessee after Mr. Simmons attempted to purchase items from the store with a fake \$100 bill. Upon arrival, the deputy spoke with an employee of the store who said Mr. Simmons attempted to purchase approximately \$50 worth of items with a fake hundred-dollar bill. Mr. Simmons was on video attempting to make the purchase and the store employee showed the deputy the video and the fake bill. The deputy recognized Mr. Simmons in the video immediately due to having a prior encounter with him the day prior. The bill had all the markings of a real hundred-dollar bill besides the word "copy" in bold in the corner on both sides of the bill. A warrant was issued for Mr. Simmons' arrest.

On July 15, 2022, Mr. Simmons was arrested by the Van Buren County Sheriff's Department. Mr. Simmons' posted bond and was released from custody with conditions.

On October 4, 2022, Mr. Simmons was charged with Simple Possession of Methamphetamine in the General Sessions Court of Van Buren County. According to the Affidavit of Complaint, deputies with the Van Buren County Sheriff's Department conducted a probation search at Mr. Simmons' residence. Upon making contact with the occupants in the residence, a female was found to be inside the bathroom and another female was found standing outside by her vehicle. The female outdoors was in possession of a baggie and a bulb pipe housing a crystal substance believed to be methamphetamine. Deputies then searched the room the female inside stayed in and found 1.1 grams of a crystal substance. In Mr. Simmons' room deputies located a small amount of crystal substance on a credit card under his bed. Mr. Simmons committed this offense while on bond for Criminal Attempt and Forgery from July 2, 2022. Mr. Simmons failed to notify the probation officer of this arrest within 72 hours. Mr. Simmons was again released on bond and remains out of custody to date.

On October 17, 2022, Mr. Simmons reported to the state probation office and submitted to a drug screen which yielded positive results for methamphetamine. Mr. Simmons admitted to recent use and signed an admission form to that effect. Additionally, the sample was submitted to Abbott Toxicology for confirmation and the results were returned on October 22, 2022 and confirmed the positive drug screen for methamphetamine.

On October 25, 2022, Mr. Simmons failed to report to Cheer Mental Health and submit to a drug screen as part of the CAP program.

**Assessment of Flight/Danger and Bond Recommendation:**

**This is the third time revocation proceedings have been initiated against Mr. Simmons. Mr. Simmons' federal conviction is for Conspiracy to Distribute or Manufacture 50 Grams of Methamphetamine (actual) or 500 Grams or More of a Mixture or Substance Containing Methamphetamine. Mr. Simmons' criminal history consists of Simple Possession of Marijuana; Joyriding; Reckless Endangerment; Violation of Implied Consent Law; Violation of Order of Protection; Assault; Possession of Stolen Property Over \$10,000 (committed while on TSR); Possession of Stolen Property Over \$1,000 (committed while on TSR) and Possession of Vehicle with Altered Serial Number (committed while on TSR). Since his term of supervised release began on June 24, 2022, Mr. Simmons has been arrested for new charges on two (2) separate occasions; has tested positive for methamphetamine and has failed to report of a CAP appointment. Mr. Simmons' continued use of methamphetamine constitutes a Grade B violation based on Sixth Circuit law. Under Sixth Circuit law, the defendant's failed drug screen was evidence of possession, a Grade B violation, which, under 18 U.S.C. § 3583(g), requires revocation of supervised release. Mr. Simmons is considered a danger to the community and a risk of flight. Bond is not recommended.**


**Petitioning the Court to order:**

That a Warrant be issued and the defendant be ordered to appear in Court for a hearing to determine whether the term of supervision should be revoked.

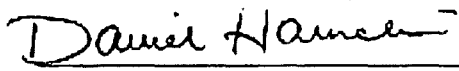
I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 28, 2022

Respectfully submitted,

  
Derek Beamer  
United States Probation Officer  
Chattanooga Division

APPROVED:

  
Danny Haimelin  
Supervising United States Probation Officer

DB:pds

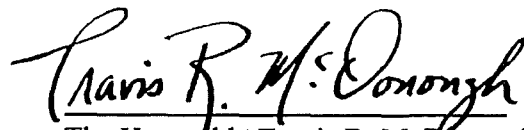
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**ORDER OF COURT:**

A Warrant is to be issued, and the defendant is ordered to appear in Court for a hearing to determine whether the term of supervision should be revoked. This petition is to be placed under seal until the defendant is arrested or appears in Court.

So ordered.

ENTER.

  
The Honorable Travis R. McDonough  
Chief United States District Judge

